

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

YACHT BASIN PROVISION COMPANY,
INC. d/b/a PROVISION COMPANY,

Plaintiff,

v.

PKC INVESTMENTS, LLC d/b/a INLET
PROVISION COMPANY, KATHY BATES,
PHILLIP BATES, and CYNDI MORAN,

Defendants.

Case No. 2:22-cv-02180-DCN

**PLAINTIFF’S MOTION TO STRIKE COUNTERCLAIMS AND AFFIRMATIVE
DEFENSES**

Plaintiff Yacht Basin Provision Company, Inc. d/b/a Provision Company (“Plaintiff” or “Provision Company”), by and through its undersigned counsel and pursuant to Federal Rule of Civil Procedure 12(f), submits this Motion to Strike Counterclaims and Affirmative Defenses. Provision Company respectfully requests the Court strike Defendants PKC Investments, LLC d/b/a Inlet Provision Company (“Inlet Company”), Kathy Bates, Phillip Bates, and Cyndi Moran’s (collectively, “Defendants”) Counterclaims and Affirmative Defenses Nos. 4, 5, 7, 14, 19, 22-24, and 27-32 in their Amended Answer and Counterclaims. (Dkt. 57). Provision Company submits a Memorandum of Law in support contemporaneously with this Motion.

WHEREFORE, Provision Company respectfully requests this Court strike Defendants’ mirror-image declaratory judgement counterclaims and the fourteen generic affirmative defenses identified above as redundant, immaterial, and impertinent.

Dated: September 27, 2022

Respectfully submitted,

/s/ Ryan Ellard

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*Attorneys for Plaintiff Yacht Basin Provision
Company, Inc. d/b/a Provision Company*

CERTIFICATE OF CONFERRAL

Pursuant to Local Civ. Rule 7.02 (D.S.C.), counsel for the parties have conferred and Defendants do not consent to Plaintiff's requested relief at this time.

/s/ John D. Wooten IV
John D. Wooten IV